FILED

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OFFICE OF THE CLERK

(1)

No.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

FRANCES M. HALL, ET AL.,

PETITIONER,

v.

RICHARD J. HALL,

RESPONDENT.

ON WRIT OF CERTIORARI TO THE

SUPREME COURT OF MASSACHUSETTS

PETITION FOR WRIT OF CERTIORARI

FRANCES M. HALL
58 MOUNT VERNON STREET
SOMERVILLE, MASSACHUSETTS 02145
(617) 628-1744
COUNSEL OF RECORD

ATTORNEY FOR PETITIONER
PRO SE

65 pp

QUESTIONS PRESENTED

A. CAN JUDGMENT STAND IF A PARTY WAS NEVER GIVEN AN OPPORTUNITY TO VOICE OBJECTION VIOLATING DUE PROCESS, AND PROPERTY TAKEN ON THAT JUDGMENT ?

B. DID THE LOWER COURT ERR BY DISTRIBUTING THE ASSETS AND SELLING THE PROPERTY WHEN THE COURT LACKED JURISDICTION, THEREBY VIOLATING DUE PROCESS ?

C. CAN JUDGMENT STAND IN PROBATE COURT IF THE JUDGE ACTED OUTSIDE THE RECORD AND WAS BIASED AGAINST THE PETITIONER ?

D. DID THE COURT OF APPEALS ERR BY DENYING FRANCES M. HALL'S APPELLANT BRIEFS AFTER ACCEPTING FIL-

ING FEES FOR APPEAL AND THEN CLAIMING THAT FRANK J. CAMOSCIO WAS THE ONLY APPELLANT SINCE HIS MOTION WAS HEARD LAST AND RULING FRANK J. CAMOSCIO WAS NOT AN INTERVENOR OR PARTY TO THE CASE, THUS DENYING FRANCES M. HALL HER APPEAL AND REDRESS.

PARTIES TO THE CASE

FRANCES M. HALL,

Petitioner,

v.

RICHARD J. HALL,

Respondent.

and

FRANK J. CAMOSCIO,

Petitioner,

v.

RICHARD J. HALL,

Respondent.

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PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE COMMONWEALTH OF MASSACHUSETTS

The Petitioner, Frances M. Hall, respectfully prays that the Writ of Certiorari issue to review the judgment and opinion of the Supreme Judicial Court for the Commonwealth of Massachusetts entered in the above cause on December 27, 1993.

OPINION BELOW

The Supreme Judicial Court of Massachusetts denied the Petitioner Frank J. Camoscio the right to file for Further Appellate Review complying with previous order that all matters to be heard by that Court be acted upon only if the majority of justices vote to accept filing. See Appendix A.

The Appeals Court came down with their decision on December 13, 1993. See Appendix B.

The Appeals Court denied the Petitioner his Motion for Rehearing on December 29, 1993. See Appendix C.

JURISDICTION

The Petitioner envokes the Jurisdiction of this Court under 62 Stat. 928, 28 U.S.C. § 1254. The Petitioner also cites Rule 13 of the Rules of the Supreme Court stating that the Petition must be filed within 90 days of the last decision, which was December 29, 1993. See Appendix C.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Petitioner invokes the jurisdiction of this Court to correct the lower court decisions and reverse judgments under the First and Fourteenth Amendments of the United States Constitution.

The Petitioner cites the First Amendment.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble, and to petition the government for a redress of grievances."

The Petitioner cites the Fourteenth Amendment, Section 1.

"Sect. 1. All persons born or

naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE FACTS

The Petitioner states that this case arose out of a divorce proceeding between Richard J. Hall and Frances M. Hall based on cruel and abusive treatment of Frances M. Hall. The courts in this case failed to charge Richard J. Hall with any criminal acts yet evidence and photographs proved that Frances M. Hall was beaten severly several times. This is verified by police reports.

The Petitioner, Frances M. Hall, had Carolyn St. Pierre as her attorney during her divorce proceedings until St. Pierre told her that she would be going to trial in May for Bank Embezzlement in the Federal Court. This was the first indication I had that my attorney was arrested and indicted for Bank Embezzlement. St. Pierre also told

me to speak to Dr. Frank J. Camoscio and tell him to give me a letter to present to Judge Tauro in the United States District Court stating that due to ill health she could not appear at her up coming trial or she would make trouble for both myself and Dr. Frank J. Camoscio. I wrote an affidavit to Judge Tauro in United States District Court outlining these facts prior to Dr. Paul R. Yocas and Dr. Frank J. Camoscio learning that Carolyn St. Pierre had filed a complaint against them with the Board of Registration in Podiatry.

Before pleading guilty Carolyn St. Pierre wrote a letter of withdrawal to the Board of Registration in Podiatry withdrawing her complaint. This letter was dated May 30, 1986. Carolyn St. Pierre pleaded guilty to Bank Embezzlement in Federal District

Court. See Appendix D and E.

During this time period Richard Hall went to the Pembroke Post Office and removed notices from the Court and from the attorneys involved in the case for me to appear at Court. Due to my non appearance in Court Richard Hall was able to attain favorable judgments based on unrefuted claims.

Once Richard Hall obtained an Order of Conveyance to sell the home and all assets contained within the home after a certain date he proceeded to physically throw the Petitioner out of her home with only the clothes she was wearing. The Petitioner was stripped of all her worldly possessions by this act. Shortly after this Carolyn St. Pierre moved im my home living and sleeping with my husband before the Divorce Decree became official. Then after the Decree became of-

ficial she married Richard Hall and became Caroline Hall.

Meanwhile Dr. Frank J. Camoscio had paid me in full for my half of the house. Dr. Camoscio had filed in the court system to obtain his rightful ownership of the property. In January 1987 Dr. Camoscio appeared in Probate Court to enforce the purchase and sale agreement, since no one had purchased the home and he had fulfilled the requirements of this document but Richard Hall refused to honor it. Judge Murphy hearing this Motion threw it in the waste paper basket and left the Bench. Dr. Camoscio upon retrieving this Motion was illegally held and searched and beaten by court officers. Dr. Camoscio filed criminal charges in criminal court with witnesses present and to date the District Court in Brockton, Massachusetts has refused to

hear the charges.

Dr. Frank Camoscio won the case in Boston Municipal Court against Richard Hall and Carolyn St. Pierre for altering the purchase and sale agreement. Dr. Camoscio informed me and my attorney about Probate Court Orders in which Richard Hall obtained an Order of Conveyance and the assets in the home on the grounds that I had abandoned the property and the Court could not contact me. On further investigation it was learned that Richard Hall had gone to the Pembroke Post Office and made out a form notifying the post office that Richard Hall would pick up all of Frances Hall's mail because of her alleged illness.

Attorney Paul Machado then filed a Motion for Reconsideration based on the Deceit and Fraud of Richard Hall. Attorney Machado then informed his

client that the Judge denied the motion and he would file an Appeal, this took place in early November of 1987. Dr. Camoscio obtained Restraining Orders preventing the sale of the property and dividing of the assets. See Appendix F.

Judge Lawton breaks the Restraining Orders, divides the Assets. On November 20, 1987 in Judge Lawton's Order Frances M. Hall is described as seriously ill and that is why she was not present for this decree. Attorney Machado knew his client was at work that day and was in good health. See Appendix G and H.

This distribution is outright fraud. Judge Lawton was part and parcel to this fraud with attorney Machado. This is proven by the fact that Judge Lawton tried to appoint a Guardian Ad Litem to distribute Frances Hall's share of the money

which I refused to take because Dr. Camoscio had paid me in full and Richard Hall had altered a purchase and sale agreement in which he received a down payment on his half of house. When I opposed this appointment of a guardian ad litem Judge Lawton paid this person $2000.00 dollars out of the money being held when no work was performed. After filing motions to Lawton's Superiors without any corrective action for this fraud Frances Hall filed a Notice of Appeal on her motions to correct the fraud. The Appeals Court accepted a check from Frances Hall allowed her to print her Briefs and then stated that she was an Appellee instead of an Appellant because Dr. Camoscio had filed a Notice of Appeal on his Motion after hers.

THE APPEAL'S COURT IN THEIR DECISION STATED THAT DR. CAMOSCIO WAS

DENIED THE RIGHT TO INTERVENE IN HALL v. HALL, IF THAT IS THE CASE THEN THE ONLY RIGHT OF APPEAL WAS FRANCES M. HALL AND THE COURT OF APPEALS ERRED BY DENYING ME THE RIGHT TO APPEAL SINCE I AM THE APPELLANT. SEE APPENDIX B PAGE 2 PARAGRAPHS 1 AND 2.

REASONS FOR GRANTING THE WRIT

A. THE PETITIONER'S CONSTITUTIONAL RIGHT OF BEING NOTIFIED BEFORE PROPERTY WAS TAKEN WAS VIOLATED BY PROBATE COURT AND JUDGMENT MUST BE SET ASIDE.

Under the XIV Amendment of the United States Constitution Probate Court had a duty to notify Frances M. Hall that the Court was going to take and/or distribute assets. Since fraud and deceit was committed upon Frances M. Hall and she was never notified, judgment cannot stand. The Petitioner cites the following cases: U.S. v. Smith, D.C. Iowa, 249 F. Supp. 515, 516, "Fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice

whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice." and Donahue v. Rhode Island Dept. of Mental Health, Retardation and Hospitals By and through Romeo, 632 F. Supp. 1456. "Due process dictates that one who has been, or is in jeopardy of being, deprived of constitutionally sacrosanct interest must be given opportunity to be heard at "meaningful" time and in "meaningful" manner. U.S.C.A. Const. Amend. 14. —"

B. THE COURT LACKED JURISDICTION TO DIVIDE THE ASSETS. JUDGMENT MUST BE SET ASIDE AND CORRECTED.

Judge Lawton divided the assets on November 20, 1987 contrary to temporary injunction dated November 13, 1987. The judge acted in clear violation of jurisdiction. Case must be remanded and reheard. A judge does not act contrary to law unless he has a pecuniary interest in the case. The Petitioner cites the following cases: Schorie v. Greenhills, D.C. Ohio 1981, 524 F. Supp. 821. "when judge knows he lacks jurisdiction, or acts in face of clearly balanced statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost." and Bradford Audio Corp. v. Pious, C.A.N.Y. 1968, 392 F. 2d 67. "Due process implies impartial court,

which is not provided if judge has direct, personal and substantial pecuniary interest in case."

C. JUDGMENT CANNOT STAND WHEN IT WAS MADE BY A BIASED JUDGE AGAINST THE PETITIONER.

A principle of Due Process is that a decision is made by an impartial adjudicator. In this case Judge Lawton and Judge Murphy cannot be described as impartial adjudicators. It was pointed out in the statement of facts their prejudical acts in this case.

The fact that Judge Murphy refused to enforce the purchase and sale agreement of his order of conveyance on the same terms that the Court enforced it 10 months later proves his prejudice.

Judge Lawton's prejudice was proved by his appointment of a guardian ad litem when there was no reason and then paying her $2000.00 dollars for doing nothing out of money the

Court was holding for Frances M. Hall. This proved the Judge was biased and acting against Frances M. Hall. The Petitioner cites the following cases: Bradford Audio Corp. v. Plous, C.A.N.Y. 1968, 392 F. 2d 67. "Due process implies impartial court, which is not provided if judge has direct, personal and substantial pecuniary interest in case." and Taylor v. New York City Transit Authority, D.C.N.Y. 1970, 309 F. Supp. 785, affirmed 433 F. 2d 665. "Observance of right to an impartial judge is required to meet minimum standards of due process."

D. THE APPEALS COURT VIOLATED THE PETITIONER'S RIGHT OF REDRESS AND DUE PROCESS BY NOTIFYING HER AFTER HER BRIEFS WERE PRINTED THAT SHE WAS THE APPELLEE AND NOT APPELLANT EVEN THOUGH THEY ACCEPTED HER FILING FEE AND THEN RULED THAT FRANK J. CAMOSCIO WAS NOT A PARTY TO THE CASE OR AN INTERVENOR THUS MAKING HER THE APPELLANT.

The Court of Appeals first allowed the Petitioner and Frank J. Camoscio both file as Appellants'. Both Appellants' prepared Briefs and sent them to the printers when the Appeals Court decided that Frank J. Camoscio was the only Appellant. The Petitioner filed several motions to both the Supreme Judicial Court and the Court of Appeals in order to correct this error and obtain redress.

The time limit ran out for filing Briefs as the Appellee and the Court of Appeals refused to act on her Brief.

The Court of Appeals then ruled that Frank J. Camoscio would not be allowed to be part of the case because the Lower Court had ruled he was not an intervenor or party to the case. If this is true then the Petitioner's Brief must be accepted as the Appellant to the Appeals Court and should have been addressed. The Appeals Court decision against Frank J. Camoscio proves that the Court erred by not allowing the Petitioner to file a Brief as the Appellant violating Redress. The Petitioner cites the following case: Schroeder v. City of New York, N.Y. 1962, 83 S. Ct. 279, 371 U.S. 208, 9 L. Ed. 2d 255, "Requirement that parties be notified of proceedings affecting their legally protected rights is

vital corollary to one of most fundamental requisites of due process, the right to be heard."

CONCLUSION

The Petitioner has proven in her arguments that the Probate Court, Judgments and Orders must be set aside because they were made in violation of due process because the Judge was prejudiced against the Petitioner and property and assets were taken without notifying the Petitioner of a hearing.

The Appeals Court erred by not allowing Frances Hall the only legal Appellant to the case file a Brief after they denied Frank J. Camoscio the right of intervenor or party to the case. The Appeals Court cannot have it both ways. Judgment must be reversed and case remanded to lower court until all orders are heard by an impartial judge with notice to all interested parties as guaranteed by the First and Fourteenth Amendments

of the United States Constitution.

I hereby certify that all of the above statements are true and are made under the pains and penalties of perjury.

Respectfully submitted,

Frances M. Hall

Frances M. Hall
Pro Se
Counsel of Record
for Petitioner

58 Mount Vernon Street
Somerville, Massachusetts 02145
(617) 628-1744

Attorney for Petitioner

Dated: March 23, 1994

Richard F. LaMonica
Notary Public
My Commission Expires Aug. 16, 1996

SUPREME JUDICIAL COURT

FOR THE COMMONWEALTH

ROOM 1412 COURT HOUSE

BOSTON, MASSACHUSETTS 02108

(617) 557-1020

STATE SEAL

SUSAN MELLEN

JEAN M. KENNETT ASSISTANT CLERK

CLERK L. HOLLIEY WHITE

ASSISTANT CLERK PRO TEM

December 27, 1993

Mr. Frank J. Camoscio
252 Hanover Street
Boston, Massachusetts 02113

Dear Mr. Camoscio:

The Court has refused permission for filing your Petition for Further Appellate Review. Justice Abrams did not participate in the Court's consid-

eration of your request.

Very truly yours,

Clerk

Enclosure

Signed by: Jean M. Kennett.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

93-P-469

RICHARD J. HALL

vs.

FRANCES M. HALL.

MEMORANDUM AND ORDER UNDER RULE 1:28

On February 20, 1992, Frank J. Camoscio, acting pro se, filed a motion to correct fraud upon the court in a Probate Court divorce proceeding between Richard J. Hall and Frances M. Hall. (S.A. 14) Camoscio was a stranger to the divorce proceedings, although he claimed an interest in the court's disposition of the marital home ("the property").[1] On February 28, 1992, John E. Conway and Patricia

A. Conway, who apparently had purchased the property and had obtained leave to intervene in the Probate Court proceedings in October, 1991 (Docket No. 70), moved to strike Camoscio's motion on the ground, inter alia, that Camoscio was not a party to the proceedings. (S.A. 19) The Conways' motion was allowed (S.A. 20), and Camoscio filed a motion for

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[1] Camoscio has claimed in a series of actions that Richard Hall reneged on a purchase and sale agreement that would have allowed Camoscio to purchase the property. Nothing in the appellate record of the present case confirms Camoscio's insinuation of any wrongdoing or impropriety or supports his claim of an interest in the property.

reconsideration (S.A. 21), which was denied.[2] Camoscio has appealed from the denial of his motion for reconsideration.

1. Since Camoscio had no standing as a party in the divorce action, his attempt to insert himself into the proceedings should be treated as a motion to intervene as a matter of right, Mass. R. Civ. P. 24(a)(2), 365 Mass. 769 (1974), or, alternatively, permissively, Mass.R.Civ.P. 24(b)(2), 365 Mass. 770 (1974). The Probate Court's allowance of the Conways' motion to strike Camoscio's motion effectively denied Camoscio the right to intervene and was immediately appealable. Attorney Gen. v. Brockton Agric. Soc., 390 Mass. 431, 433 (1983). Massachusetts Fedn. of Teachers, AFT, AFL-CIO v. School Comm. of Chelsea, 409 Mass. 203, 204 (1991).

2. A trial judge is given broad discretion in deciding whether to allow an application for intervention as a matter of right, Carlson v. Withers, 16 Mass. App. Ct. 924, 925 (1983); Cosby v. Department of Soc. Servs., 32 Mass. App. Ct. 392, 395 n.8 (1992), or by permission. Corcoran v. Wigglesworth Mach. Co., 389 Mass. 1002, 1003 (1983). Coggins v. New Eng. Patriots Football Club, Inc., 397 Mass. 525, 538 (1986). Were the denial of Camoscio's intervention properly raised, we would affirm the order of the trial court in this case. Camoscio's

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[2] We are indebted to appellee-interveners for providing us with copies of relevant court records.

"motion to correct fraud upon the court" seeks to nullify sales of the marital property, declare Camoscio the rightful owner of the property, and award damages from Richard Hall. (S.A. 17) However, Camoscio's "arguments" on appeal contain no record references for assertions of fact, see Mass.R.A.P. 16(e), as amended, 378 Mass. 940 (1979), and fail to address the question of why Camoscio should be allowed to intervene at this late stage in the proceeding. [3] The Appeals Court "need not pass upon questions or issues not argued in the brief." Mass.R.A.P. 16(a)(4), as amended, 367 Mass. 921 (1975). Furthermore, "[t]he burden is on the appellant in the first instance to furnish a record that supports his claim on appeal. Errors that are not disclosed by the record afford no basis for reversal." Arch Med.

Assocs., Inc. v. Bartlett Health Enterprises, Inc., 32 Mass. App. Ct. 404, 406 (1992) (citation omitted). A pro se litigant is held to the same standard. Mmoe v. Commonwealth, 393 Mass. 617, 620 (1985). The record on appeal is devoid of support for Camoscio's claims.

3. Our review of the court's denial of Camoscio's intervention is somewhat cursory because the present

---

[3] His allegations of prior involvement with the Probate Court are not supported by the record on appeal, and, in any event, where dates are provided, the events complained of occurred years before he sought intervention in 1992. (Br. 2, 3, 5, 10, 11, 15) More recent events concerning Frances Hall have no obvious bearing on the matter.

appeal is taken only from the court's denial of Camoscio's motion for reconsideration. (S.A. 24) Such an appeal, "unaccompanied by an appeal from the . . . [order] to which the motion relates," fails to address the propriety of the underlying order. See Blackburn v. Blackburn, 22 Mass. App. Ct. 633, 635 n.2 (1986). As for the motion for reconsideration itself, since the appellant has failed to argue that the court's denial of the motion was improper, we need not pass upon that issue. Mass.R.A.P. 16(a)(4).

Order affirmed.

By the Court (Brown, Smith, & Greenberg, JJ.),

Clerk

Entered: December 13, 1993.

Signed by: Clerk, Nancy Turck Foley.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

93-P-469

RICHARD J. HALL

vs.

FRANCES M. HALL.

ORDER

The petition for rehearing filed by the appellant having been considered, it is ordered that the said petition be and it hereby is denied.

By the Court (Brown, Smith & Greenberg, JJ.),

Assistant Clerk

Entered: December 29, 1993.

Signed by: Assistant Clerk,
Gilbert P. Lima, Jr..

Justice Joseph Tauro
United States Federal Court
Boston, Massachusetts.

RE: Carolyn M. St. Pierre

My former attorney Ms. Carolyn M. St. Pierre informed me in the middle of April this year that if I did not help her with her pending case in the federal court she would create a problem for me and the New England Foot Clinics.

She was very specific as to the type of problem she would create. She had been treated for a toe infection at the clinic by my associate Dr. Paul R. Yocas and she said that she would say he had not treated her and that she was given a prescription signed by Dr. Yocas for a tooth infection rather than as a part of her treatment for her toe infection.

Ms St. Pierre has carried out this very threat and Dr. Yocas must appear in front of a formal adjudicatory hearing for the charges she has filed against him.

I feel that this is blatant extortion and you should be made aware of this matter.

I intend to bring charges against Ms. St. Pierre for this attempted extortion. She has caused serious damage to the New England Foot Clinics and has put Dr. Yocas professional standing in serious jeopardy.

Ms. St. Pierre also talked with another of her client's Mrs. Frances M. Hall and told Mrs. Hall that she would cause me grievous harm if I did not help her. She asked Mrs. Hall to interceed on her behalf with me. See affidavit by Mrs. Hall sent to you last week.

Ms. St. Pierre and her attorney Mr. Albert Cullen have not answered my written request to return all my records and documents to me. Knowing that it is vital that they be returned immediately, so I can file my appendix & brief in federal court, which is due the 28th of this month.

I hereby certify that the above statements are true and signed under the pains and penalties of perjury.

Dr. Frank J. Camoscio
252 Hanover Street
Boston, Massachusetts 02113

Dated: May 19, 1986

Signed by: Dr. Frank J. Camoscio

May 30, 1986

Mr. Edward J. Smith,
Investigator
Division of Registration
100 Cambridge Street
Boston, Ma. 02202

Dear Mr. Smith

I hereby submit my withdrawal of the complaint I filed on May 9, 1986, in which I identified both Dr. Yocas and Dr. Frank J. Camoscio.

I also withdraw all pronouncements made in that complaint. Hereto sworn to under pains and penalties of perjury.

_____

Carolyn M. St. Pierre
Belmead-Bellevue Ave.
Newport, R.I. 02840
(401) 841-5256

_____

Witness

Signed by: Carolyn M. St. Pierre.

Witness signed by: Kevin P. Shaw.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT OF THE
COMMONWEALTH

CIVIL ACTION
NO. CA87-1908

FRANK J. CAMOSCIO, Plaintiff(s)

vs.

RICHARD HALL, Defendant(s)

SUMMONS AND RESTRAINING ORDER

To the above-named Defendant :

You are hereby summoned and required to serve upon Frank J. Camoscio, plaintiff whose address is 252 Hanover St., Boston, an answer to the complaint which is herewith served

upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at PLYMOUTH either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint for a preliminary injunction and that a hearing upon such application will be held at the Court House at said PLYMOUTH in the first session without jury of our said Court on Friday the 6th day of November, A.D., 1987, at 9:30 o'clock A.M., at which you may appear and show cause why such application should not be granted.

In the meantime, until such hearing. WE COMMAND YOU, said defendant, Richard Hall and your agents, attorneys and counsellors, and each and every one of them, to desist and refrain from transferring, selling or otherwise disposing of the property located at 30 Elm Street, Pembroke.

Witness, THOMAS R. MORSE, JR., Esquire, at Plymouth, the ..fourth..... day of ..November....., in the year of our Lord one thousand nine hundred and eighty-seven.

CLERK.

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.

2. When more than one defendant is involved, the names of all defendants should appear in the caption.

If a separate summons is used for each defendant, each should be addressed to the particular defendant.

Signed by: Clerk, Francis R. Powers.

Form 4 . 2M.6.78.RP

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT
CIVIL ACTION
No. CA87-1908

TO RICHARD HALL, of Pembroke,
County of Plymouth, defendant your,

Agents, Attorneys, and each and every
of them.

, GREETING:

WHEREAS, it has been represented unto
us, in our Superior Court, by
Frank J. Camoscio, of
Boston County of Suffolk

Plaintiff, that the, said Plaintiff, has
exhibited a Complaint in our said Court
against you, the said defendant
Richard Hall

wherein said Plaintiff, among other things, pray for a Preliminary Injunction against you. the said defendant:

Richard Hall

WE THEREFORE, in consideration of the premises, do strictly enjoin and command you, the said Defendant, and all and every the persons before named, to desist and refrain from transfering, selling or otherwise disposing of the property located at 30 Elm Street, Pembroke, Ma.

until the further order of our said Court, or some Justice thereof.

Witness, THOMAS R. MORSE, JR., Esquire, at Plymouth, the thirteenth day of November in the year of our Lord one thousand nine hundred and

eighty-seven.

_____ Clerk.

Signed by: Clerk, Francis R. Powers.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PROBATE & FAMILY
COURT, DEPARTMENT
OF THE TRIAL COURT

RICHARD J. HALL, PLAINTIFF

V.

DOCKET NO. 85D0970

FRANCES M. HALL, DEFENDANT

AMENDED MOTION OF WILLIAM J. FLYNN, JR.
FOR PERMISSION TO DISTRIBUTE FUNDS

Now comes William J. Flynn, Jr. attorney for Plaintiff, Richard J. Hall and moves that this Honorable Court allow him to distribute $62,500.00 in funds that are in part Defendant's, Frances M. Hall's share from the proceeds of the sale of 30 Elm Street, Pembroke, Ma., Pursuant to a decree nisi in this case as follows:

1) &838,86 to Mark Fitzsimmons

Esq. as per order of this court.

2) &8,150.00 to Richard J. Hall as per decree nisi of this court, computed as follows; Defendant's share of maintenance of marital home at $500.00 per month from 7/1/86 - 10/31/87 or 16 months at $500.00 or $8,000.00 plus $150.00 to move personal belongings of Defendant's, Frances M. Hall.

3) $5,550.00 in counsel fees to William J. Flynn, Jr., attorney.

4) 47,961.14 to Defendant, Frances M. Hall.

William J. Flynn, Jr.

Signed by: William J. Flynn, Jr..

Plymouth, ss. Probate Court

NOV 20 1987

The within motion is hereby allowed.

Justice of Probate and Family Court

Signed by: Justice James R. Lawton.

PROBATE & FAMILY COURT

FILED Nov. 20, 1987

PLYMOUTH DIVISION

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss Probate & Family Court
85D 0970 D1

Richard J. Hall

vs.

Frances M. Hall

ORDER TO DISTRIBUTE FUNDS

AS PER MOTION, PURSUANT

TO THE FINAL JUDGMENT OF DIVORCE

The parties are before the court on this date. Attorney William J. Flynn, Jr. of Hanover appears for the plaintiff, Richard J. Hall. Attorney Paul J. Machado of Fall River appears for the defendant Frances Hall. The parties had been before the court on Monday, November 16, 1987 on the motion of Attorney Flynn for a distribution of funds and for counsel fees for services rendered by him in this matter.

The court advised Attorney Machado that it would be necessary for him to produce a detailed medical statement concerning the physical condition of the defendant Frances M. Hall, who is alleged to be seriously ill. The medical information is not presented to the court on this date, and although representations are made concerning her poor physical health, the court is satisfied that this matter should not be continued further.

The amended motion of Attorney William J. Flynn, Jr. for permission to distribute funds is herby allowed and the sum of approximately $62,500.00 held by him in escrow is to be distributed as set forth in said motion.

The sum of $62,500.00, which is the share of Frances M. Hall and the balance from the sale of the family

home, shall be disbursed as ordered herein and shall occur on December 4, 1987 and in the event that the defendant, Frances M. Hall, refuses to accept those sums due her of approximately $47,961.14 said sum shall be deposited in the name of the First Justice of this court upon petition for leave to deposit said funds.

November 20, 1987

By the court:

James R. Lawton, First Justice
Probate & Family Court Dept.

Signed by: James R. Lawton, First Justice, Probate & Family Court Dept.

JRL: MLP

cc: Plaintiff, Defendant

Attorneys Flynn and Machado